

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CHARLES TUBBINS,

Plaintiff,

v.

DECISION AND ORDER  
14-CV-409A

PATRICIA WREST, Individually and in her  
Official Capacity as a Police Officer of the  
Buffalo Police Department,  
SCOTT R. MALEC, Individually and in his  
Official Capacity as a Police Officer of the  
Buffalo Police Department,  
BUFFALO POLICE DEPARTMENT, and  
THE CITY OF BUFFALO,

Defendants.

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This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 11, 2016, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 25), recommending that Defendants' motion for summary judgment (Dkt. No. 19) be granted. The Plaintiff has not filed objections to Judge Foschio's recommendation.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties. Based on the Court's review, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Judge Foschio's Report and Recommendation, Defendants' motion for summary judgment is granted

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: December 7, 2016